



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/511,178

10/14/2004

Michael Weiler

081276-1032-00

1993

34044 7590 07/10/2008
MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202

EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,178	Applicant(s) WEILER ET AL.	
	Examiner Gary K. Graham	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-46 and 48-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-46 and 48-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34, 38, 39, 41-43, 45, 46 and 48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US patent 2,979,352).

The patent to Anderson discloses a wiper device (figs.1,2) for a motor vehicle with a wiper arm (40,42). The device comprises a fastening part (20) for attaching the arm to an end area of shaft (12). The device also includes a symmetrical reinforcing element (14) for optimal torque transmission between the shaft and the fastening part. The reinforcing element (14) is shaped as an annular supporting ring centered on an axis of the shaft and is pressed into the fastening part by a user. The reinforcing element has opposite ends and is completely surrounded by the fastening part. The fastening part has a straight wall with an inner cylindrical surface defining a non-tapered opening through the fastening part. The reinforcing element extends through the opening in the fastening part and does not engage the fastening part (20) at either end (see fig. 2). The reinforcing element also extends axially beyond the free terminal end (at least a portion thereof) of the wall of the fastening part and has a radial flange extending radially outwardly of the inner surface of the wall of the fastening part (see fig.2).

With respect to claim 41, the reinforcing element of Anderson is “attachable” to a shaft having a conical end. Nothing would prohibit such attachment. Note that such does not impart any particular structure to the reinforcing element.

With respect to claim 43, it appears the reinforcing element of Anderson can be axially caulked. Nothing would prohibit such caulking if desired.

With respect to claim 45, the reinforcing element of Anderson is considered as an insert, at least as far as defined. Further, it appears plastic could be molded around such if so desired.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US patent 2,979,352).

The patent to Anderson discloses all of the above recited subject matter with the exception of the supporting ring being of metal.

While Anderson is silent as to ring material, it would have been obvious to one of skill in the art to make such of any well known material including plastics, metals, combinations, etc. Mere selection of well known materials to make components would be entirely obvious. Further, use of metals in the wiper art is well known to provide a durable, strong component. Employing known materials such as metal for a known device yields the predictable result of a strong component. The particular manner in which the part is formed, turned or die-cast, does not distinguish from the part of Anderson made of metal.

Claims 35-37, 40 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US patent 2,979,352) in view of Terpin (US patent 2,885,230).

The patent to Anderson discloses all of the above recited subject matter with the exception of the reinforcing element having a tapered frustoconical opening for the shaft. Note that Anderson uses a straight splined connection.

The patent to Terpin discloses a wiper device wherein the connection of the wiper shaft (25) to the reinforcing element (22) is by way of a tapered frustoconical opening in the reinforcing element and a mating frustoconical surface on the shaft. Terpin also discloses providing a polygonal outer contour on the reinforcing element to mate with an engagement portion (19) of the fastening part (16).

Art Unit: 3723

It would have been obvious to one of skill in the art to provide the connection between the shaft end (13) of Anderson and the reinforcing element as tapered frustoconical, as clearly suggested by Terpin, to increase the strength and tightness of the connection. Use of frustoconical mating surfaces in the wiper art is well known.

With respect to claim 36, defining the surface as smooth does not distinguish from the modified Anderson device. Absent a particular smoothness, such does not distinguish.

With respect to claim 40, it would have been obvious to one of skill in the art to make the outer contour of the reinforcing element as polygonal as well as the inner contour of the fastening part, as suggested by Terpin, to provide increased rotational locking strength.

Response to Arguments

Applicant's arguments with respect to claims 34-46 and 48-54 have been considered but are moot in view of the new ground(s) of rejection. Upon further review and search, in light of the amendments, the reference to Anderson was discovered. As set forth above, Anderson appears to disclose a wiper device with a fastening part which employs a reinforcing element as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the patent to Yoshida, figure 2.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

Art Unit: 3723

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3723

GKG
06 July 2008